

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WINDSHIELD WIPERS AND
COMPONENTS THEREOF

Inv. No. 337-TA-928

Inv. No. 337-TA-937

(Consolidated)

**ORDER No. 29: DENYING VALEO'S MOTION FOR SUMMARY
DETERMINATION ON THE IMPORTATION REQUIREMENT**

(June 24, 2015)

On May 13, 2015, Complainants Valeo North America, Inc. and Delmex de Juarez S. de R.L. de C.V. (collectively, "Valeo") filed a motion for summary determination on the importation requirement. (Motion Docket No. 928-017.) On May 26, 2015, Respondents Trico Products Corporation and Trico Componentes SA de CV (collectively, "Trico") filed an opposition to Valeo's motion.

Valeo argues that the importation requirement is satisfied because the accused products are assembled in Mexico and shipped as finished goods to the United States for distribution and sale. Trico responds that it operates under a "maquiladora" arrangement and that the shipment of Trico's components and accused products between one Trico facility in Mexico and another Trico facility in Texas is not "importing" within the meaning of 19 U.S.C. § 1337.

Although I find Trico's arguments not very persuasive, I will reserve my ruling on this issue until the evidentiary hearing. Trico must be prepared to discuss and compare the facts of the present investigation and those of Investigation No. 337-TA-881 and to discuss Chief Judge Bullock's Order No. 21 granting complainants' motion for summary determination as to the importation of Trico's accused products. *See Certain Windshield Wiper Devices and*

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Components Thereof, Inv. No. 337-TA-881, Order No. 21, 2013 WL 7017692 (U.S.I.T.C. Dec. 13, 2013).

Accordingly, because genuine issues of material fact and law remain, Valeo's motion for summary determination on the importation requirement is hereby DENIED.

Within 7 days of the date of this order, the parties shall jointly submit: (1) a proposed public version of this order with any proposed redactions bracketed in red; and (2) a written justification for any proposed redactions specifically explaining why the piece of information sought to be redacted is confidential and why disclosure of the information would be likely to cause substantial harm or likely to have the effect of impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions.¹

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

¹ Under Commission Rules 210.5 and 201.6(a), confidential business information includes:

information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information.

See 19 C.F.R. § 201.6(a). Thus, to constitute confidential business information the disclosure of the information sought to be designated confidential must *likely have the effect of* either: (1) impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions; or (2) *causing substantial harm* to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained.

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 29** have been served upon, **The Office of Unfair Import Investigations** and the following parties on **July 1, 2015**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Valeo North America, Inc. and
Delmex de Juarez S. de R.L. C.V.:**

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**On Behalf of Respondents Trico Corp., Trico Products and
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